

ASSEMBLY BILL

No. 1096

Introduced by Assembly Member Umberg

February 22, 2005

An act to amend Section 3017 of the Elections Code, relating to ballots.

LEGISLATIVE COUNSEL'S DIGEST

AB 1096, as introduced, Umberg. Absentee ballots.

Existing law provides that an absent voter who, because of illness or other physical disability, is unable to return an absentee ballot, as specified, may designate specified individuals to return the ballot as indicated.

This bill would provide instead that any absent voter may designate specified individuals to return the ballot.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3017 of the Elections Code is amended
2 to read:
3 3017. (a) All absentee ballots cast under this division shall be
4 voted on or before the day of the election. After marking the
5 ballot, the absent voter shall either: (1) return the ballot by mail
6 or in person to the elections official from whom it came or (2)
7 return the ballot in person to any member of a precinct board at
8 any polling place within the jurisdiction. However, an absent
9 voter who, ~~because of illness or other physical disability~~, is
10 unable to return the ballot; may designate his or her spouse,

1 child, parent, grandparent, grandchild, brother, sister, or a person
2 residing in the same household as the absent voter to return the
3 ballot to the elections official from whom it came or to the
4 precinct board at any polling place within the jurisdiction. The
5 ballot must, however, be received by either the elections official
6 from whom it came or the precinct board before the close of the
7 polls on election day.

8 (b) The elections official shall establish procedures to ~~insure~~
9 *ensure* the secrecy of any ballot returned to a precinct polling
10 place.

11 (c) The provisions of this section are mandatory, not directory,
12 and no ballot shall be counted if it is not delivered in compliance
13 with this section.

14 (d) Notwithstanding subdivision (a), no absent voter's ballot
15 shall be returned by any paid or volunteer worker of any general
16 purpose committee, controlled committee, independent
17 expenditure committee, political party, candidate's campaign
18 committee, or any other group or organization at whose behest
19 the individual designated to return the ballot is performing a
20 service. However, this subdivision shall not apply to a candidate
21 or a candidate's spouse.